

Filed 9-4-09
Clerk U. S. District Court
Western District of Texas
By [Signature]
Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ROBERT J. KLEBE

V.

UNIVERSITY OF TEXAS HEALTH
SCIENCE CENTER AT SAN ANTONIO

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A-08-CA-091 AWA

VERDICT FORM

QUESTION ONE

Was age a motivating factor in the University's decision to reduce Dr. Klebe's salary in 2003 or its decisions to keep his salary constant after 2003?

Answer "yes" or "no" as to each:

a. 2003 salary reduction:

NO

b. Keeping salary constant
after 2003:

NO

If your answer to any part of Question One is "Yes," then answer the following question. Otherwise, do not answer the following question, and proceed to Question Four.

QUESTION TWO

Do you find that the University demonstrated from a preponderance of the evidence that it would have reduced Dr. Klebe's salary in 2003, or kept his salary constant after 2003 even if it had not considered his age?

Answer "yes" or "no" as to each. **Answer only for that conduct for which you have answered "yes" in Question One.**

- a. 2003 salary reduction: _____
- b. Keeping salary constant after 2003: _____

If your answer to any part of Question One is "Yes," and your answer to the corresponding part of Question Two is "No," then answer the following question. Otherwise, do not answer the following question, and proceed to Question Four.

QUESTION THREE

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Dr. Klebe for his damages, if any, that resulted from the conduct you have found in Question One?

Answer in dollars and cents for damages, if any. **Answer only for that conduct for which you have answered “yes” in Question One, and “no” in Question Two.**

a. 2003 salary reduction:

(1) Back pay:

Answer: _____

(2) Mental anguish:

Answer: _____

b. Keeping salary constant after 2003:

(1) Back pay:

Answer: _____

(2) Mental anguish:

Answer: _____

Proceed to Question Four.

QUESTION FOUR

Did the University give Dr. Klebe negative PTEC reviews, or did it keep his salary constant after 2003 because of Dr. Klebe's filing a charge of age discrimination against the University or because of his filing a lawsuit against the University?

Answer "yes" or "no" as to each:

- a. Negative PTEC reviews: YES
- b. Keeping salary constant after 2003: YES

If your answer to any part of Question Four is "Yes," then answer Question Five. Otherwise, do not answer Question Five and proceed to the final page of this Verdict Form.

QUESTION FIVE

Do you find that the University demonstrated from a preponderance of the evidence that it would have given Dr. Klebe negative PTEC reviews, or kept his salary constant after 2003 even if it had not considered his filing of a charge of discrimination or filing of a discrimination lawsuit?

Answer "yes" or "no" as to each. Answer only for that conduct for which you have answered "yes" in Question Four.

- a. Negative PTEC reviews: NO
- b. Keeping salary constant after 2003: YES

If your answer to any part of Question Four is "Yes," and your answer to the corresponding part of Question Five is "No," then answer the following question. Otherwise, do not answer the following question, and proceed to the final page of this Verdict Form.

QUESTION SIX

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Dr. Klebe for his damages, if any, that resulted from the conduct you have found in Question Four?

Answer in dollars and cents for damages, if any, in the categories listed. **Answer only for that conduct for which you have answered "yes" in Question Four, and "no" in Question Five.**

a. Negative PTEC reviews

(1) Back pay:

Answer: \$0

(2) Mental anguish:

Answer: \$900,000

b. Keeping salary constant:

(1) Back pay:

Answer: _____

(2) Mental anguish:

Answer: _____

Please proceed to the final page of this Verdict Form.

We, the jury, unanimously answered the preceding questions by a preponderance of the evidence.

Date: 9/4/09

Foreperson: ~~SIGNATURE REDACTED PURSUANT
TO E-GOVERNMENT ACT OF 2002~~